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24 Attorneys for Plaintiff
25 UNITED STATES OF AMERICA

26 UNITED STATES DISTRICT COURT
27 FOR THE CENTRAL DISTRICT OF CALIFORNIA
28 UNITED STATES OF AMERICA, CR No. 12-560-JFW
Plaintiff,
v.
KAREN GASPARIAN,
Defendant.
EX PARTE APPLICATION TO FILE
REPLY TO DEFENDANT KAREN
GASPARIAN'S RESPONSE TO THE
GOVERNMENT'S SENTENCING
POSITION; DECLARATION OF DAVID
L. KIRMAN; MEMORANDUM OF POINTS
AND AUTHORITIES

29 Plaintiff United States of America, by and through its
30 attorneys of record, Assistant United States Attorney David L.
31 Kirman and Department of Justice Trial Attorney Kevin G. Mosley,

1 hereby files an ex parte application to file a reply to
2 defendant Gasparian's response to the government's sentencing
3 position. This application is based on the attached declaration
4 of David L. Kirman, the files and records in this case, and
5 other argument the Court may wish to hearing at the sentencing
6 hearing.

7 Dated: January 10, 2013

8 Respectfully submitted,

9 ANDRÉ BIROTTÉ JR.
10 United States Attorney

11 ROBERT E. DUGDALE
12 Assistant United States Attorney
13 Chief, Criminal Division

14 /s/

15 DAVID L. KIRMAN
16 Assistant United States Attorney

17 JAIKUMAR RAMASWAMY, Chief
18 Asset Forfeiture and Money
19 Laundering Section
20 Criminal Division
21 U.S. Department of Justice

22 /s/

23 KEVIN G. MOSLEY
24 Trial Attorney
25 Asset Forfeiture and Money
26 Laundering Section
27 U.S. Department of Justice
28 Attorneys for Plaintiff
United States of America

1 DECLARATION OF AUSA DAVID L. KIRMAN

2 I, David L. Kirman, declare as follows:

3 1. I am an Assistant United States Attorney in the United
4 States Attorney's Office for the Central District of California.
5 I am one of the attorneys who represents the government in
6 United States v. G&A Check Cashing et al., CR 12-560-JFW.

7 2. The government requests leave to file a reply to
8 defendant Karen Gasparian's response to the government's
9 sentencing position.

10 3. On November 8, 2012, the Court ordered sentencing for
11 defendant Gasparian continued to January 14, 2012 at 10:00 a.m.
12 and set the following briefing schedule: objections to the PSR
13 and sentencing positions shall be due on 12/17/2012, and
14 responses, if any, shall be due on 1/3/2013. The briefing
15 schedule did not provide for a third round of briefing.

16 4. On January 5, 2012, defendant filed a response to the
17 government's sentencing position containing new arguments and
18 expert evidence. The government had no notice of the expert
19 evidence and defendant had not previously relied on it in his
20 sentencing position. The government believes that these
21 arguments and evidence should have been included in defendant's
22 original sentencing position. Defendant knew the government's
23 position on the amount of funds for which defendant failed to
24 file a CTR ("bundled funds") since early in the case and
25 received the PSR's position regarding the bundled funds in
26 October of 2012.

27 5. Defendant did not raise the specific objections to the
28 government's calculation of the amount of bundled funds or

1 include expert evidence on the bundled funds in his original
2 sentencing position, which would have allowed the government to
3 analyze those documents and prepare a response.

4 6. Therefore, the government respectfully requests
5 permission to file this response to address the arguments raised
6 in defendant's response as well as provide a status report on
7 the accounting G&A was supposed to provide.

8 7. On January 10, 2012, I sent an email to counsel for
9 each defendant asking their position on the government's ex
10 parte application. As of the time of this filing, no counsel
11 objected.

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13 I declare under penalty of perjury that the foregoing is
14 true and correct to the best of my knowledge and belief.

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16 DATED: January 10, 2013

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19 DAVID L. KIRMAN

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